

## APPENDIX 18—COMPENSATION (OFF-SITE) MITIGATION

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Off-site or compensation mitigation would be used as a tool to address loss of habitat effectiveness when reclamation, Best Management Practices (BMP), and on-site mitigation measures are not adequate to mitigate the impacts of proposed actions.

The order of use of mitigation methods from most to least preferred would be as follows:

- On-site mitigation directly resolving impacts created by the action.
- Compensation mitigation to the resources affected by the action that cannot be resolved on site.
- Compensation mitigation to similar or related resources affected by the action that cannot be resolved on site.
- Compensation mitigation through the use of proponent-generated funds to a third party for use on same, related, or tangible benefits.

The following stipulations would apply to off-site mitigation measures:

- Compensation mitigation would be used as a last choice, not a first choice, when developing mitigation measures.
- Compensation mitigation proposals would describe the replacement or substitution activities or methods that would be used to address potential impacts to specific resources or environments or both.
- Compensation mitigation must be as close to “in kind” in replacement or substitution of resources, habitat function, or environments as practicable (e.g. elk habitat for elk habitat; historical properties for historical properties, etc) as possible.
- Compensation mitigation activities are to occur as near to the project or impacted area as possible or as scientific information and impact analysis suggests.
- Compensation mitigation practices must last as long as the impacts are expected to occur.
- Compensation mitigation cannot be in any form of monetary compensation directly made to the BLM.
- Compensation mitigation practices are to be developed, conducted or performed, and funded by the project proponent.
- Compensation mitigation activities must be conducted subject to BLM review and approval that the mitigations will actually address the impacts occurring on the public lands.

### Thresholds

When a threshold is reached, off-site mitigation would be applied. Thresholds would generally be set at the point where disturbance in a specific area exceeds the level that would be tolerated by wildlife, or exceeds the physical capacity of an area to absorb or dampen the impact (for example, actions causing

surface runoff in excess of the capacity of soils to absorb or surface channels to carry without erosion of the channels). Threshold points for instigation of Office of Surface Mining (OSM) would include—

- Oil and gas development in excess of 16 surface well pad locations per 640-acre section. (See Oil and Gas Operations Appendix for information on surface disturbance, including roads, associated with typical well pads.)
- Physical long-term surface disturbance in excess of 80 acres per 640-acre section, or 12.5 percent of odd-sized or smaller sections.
- Disturbance to cultural resources (settings) when setting is an element of National Register status.

The first threshold reached would trigger the OSM requirement.

More thresholds could be developed throughout the life of the Resource Management Plan (RMP) as knowledge of impacts and mitigation technology is gained. Additional thresholds could address impacts such as acres of limited habitat types, amount of aspen disturbed; noise levels; human presence factors, like the number of vehicle trips in a specific area per day.

Options for specifics of compensation mitigation actions, including potential location of the compensating mitigation, methods, number of acres treated, etc. would be dependent on the proposed alternatives, and would be discussed at the implementation level, for example through project-level Environmental Impact Statements for oil and gas field development. Some site-specific impacts cannot be known until projects are physically implemented. For this reason, final compensation mitigation requirements may not be determined, in some cases, until after the impacting action has occurred.